



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

APRIL 3, 2023

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings using the WebEx Platform. The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or <https://www.youtube.com/channel/UCB8ql0JrhmpYIR1OLY68bw/>

In order to keep the WebEx session manageable, we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email by noon on March 31, 2023. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the Board of Zoning Appeals office and request at 216-664-2580. You can also email us boardofzoningappeals@clevelandohio.gov.

Calendar No. 23-045:

4075 Rocky River Dr.

**Ward 17
Charles Slife**

KAMMS Enterprises LLC, propose, to expand convenience store to include new gas island and canopy in Local Retail Zoning District. The appellant seeks relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.01 which states that a Gas Station is not permitted in Local Retail District; first permitted in General Retail District if not less than 100' from a Residential District or a solid board on board fence between lot and Residential District, plus required landscaping of 8' wide transition strip. The subject lot abuts One Family District and landscaping detail not provided.
2. Section 357.07(a) which states that a 25' specific setback is required along Rocky River Dr.; parking space is within setback.
3. Section 341.02(b) which states that City Planning Commission approval is required.

*Note: Lot Consolidation is required.

Calendar No. 23-046:**2270 Professor Ave.****Ward 3****Kerry McCormack**

Stella Maris Inc, proposes to establish use as Drug/Alcohol Recovery residential facility in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Sections 337.03(b) and 337.02(g) which state that a Drug/Alcohol Recovery residential facility is not permitted in a Two Family Residential District.

Calendar No. 23-050:**4145 East 120th St.****Ward 2****Kevin Bishop**

Jessica Hill, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) A residential facility for one (1) to five (5) unrelated persons, is not permitted if located less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from an existing Residential Facility located at 4151 East 119th St.

Calendar No. 23-055:**2197 East 103 St.****Ward 6****Blaine Griffin**

FMCFP LLC, proposes to build a parking lot and garage in an F3 Limited Local Retail Business District. The appellant seeks relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.04(d)(5)(D) which states a liner building is required screening the proposed parking garage. Per 348.01(g) "Liner building" means a building that is placed between a street line and off-street parking in order to screen the parking from the public right-of-way; no Liner Building is proposed.
2. Section 348.01(m) "Streetscreen" means a freestanding wall built along the street line, in the front or side-yard setback, or coplanar with the main building façade. Where permissible, it may mask a parking lot from the right-of-way, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm; none proposed.
3. Section 341.02(a,b) which states that review and approval of the City Planning Commission is required.

POSTPONED FROM MARCH 6, 2023

Calendar No. 23-026

9900 Ostend Avenue.

**Ward 9
Kevin Conwell**

Tamara Washington, owner, proposes to establish use as Residential facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states that a residential facility, as defined above, for one (1) to five (5) unrelated persons, is not permitted if located less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from two other registered Residential Facilities at 9813 North Blvd., and 10010 Pierpont Ave. *POSTPONED AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW.*

POSTPONED FROM MARCH 13, 2023

**Calendar No.22-219: FEB Inc. Appealing Decision of
the Director of the Office of
Equal Opportunity**

FEB Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland, Sections 329.02(d) and 188.05(d) of the Cleveland Codified Ordinances from the decision of the Director of the Office of Equal Opportunity on November 3, 2022 to uphold penalty assessments to FEB Inc. for the Trailside II and Trailside III projects (Filed November 17, 2022). *(Postponed from February 6 at the request of the appellant due to a scheduling conflict. Postponed from March 13 to allow for a full complement of board members. No testimony taken)*